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Legislative History – Montana Session Law

Chapter: 40

Session L: 1975

Checklist of Bill History

Bill Number:

History and Final Status Sheet	☐
Introduced Bill	☐
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	☐

House	Senate
Committee: Labor & Employment Relations	Committee: Labor & Employment Relations
Hearing Date(s):	Hearing Date(s):
Committee Report: 1/29/1975	Committee Report: 2/18/1975
Conference Committee	

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 1/24/2025

Notes: Any committee documents or recordings will be held by the Montana Historical Society

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INTRODUCED BY *House* BILL NO. *167* *Lucas* *Quinn* *Murray* *McKay* *Hunsicker* *Kelly* *MURAR*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE EMPLOYMENT OF PROFESSIONAL STRIKEBREAKERS IN A LABOR DISPUTE AND TO LIMIT THE RIGHT TO RECRUIT EMPLOYEES TO REPLACE EMPLOYEES INVOLVED IN A LABOR DISPUTE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Recruitment by third parties. No person, partnership, firm, or officer or agent thereof, may recruit, procure, supply, or refer a person for employment in place of an employee involved in a labor dispute when such person, partnership, or firm is not a party to the dispute.

Section 2. Professional strikebreakers prohibited. (1) An employer involved in a labor dispute may not employ in the place of an employee involved in such dispute a person who customarily and repeatedly offers himself for employment in the place of employees involved in labor disputes.

(2) A person who customarily and repeatedly offers himself for employment in place of employees involved in labor disputes may not take or offer to take the place in employment of an employee involved in a labor dispute within the state of Montana.

Section 3. Agreements to procure strikebreakers

1 prohibited. No employer involved in a labor dispute may
 2 contract or arrange with any other person, partnership, or
 3 firm for the latter to recruit, procure, supply, or refer
 4 persons for employment in place of employees involved in the
 5 dispute.

6 Section 4. Advertising for strikebreakers restricted.
 7 No person, partnership, or firm may recruit, solicit, or
 8 advertise for employees, or refer persons to employment, in
 9 place of employees involved in a labor dispute, without
 10 adequate notice in such advertisement or reference that
 11 there is a labor dispute at the place at which employment is
 12 offered and that the employment offered is in the place of
 13 employees involved in such dispute.

14 Section 5. Penalties. A person violating sections 1,
 15 2, or 3 is guilty of a felony and shall be punished by fine
 16 of not less than one thousand dollars (\$1,000) nor more than
 17 five thousand dollars (\$5,000) or by imprisonment for not
 18 less than one (1) nor more than two (2) years. A person
 19 violating section 4 is guilty of a misdemeanor and shall be
 20 punished by a fine of not less than one hundred dollars
 21 (\$100) nor more than five hundred dollars (\$500) or
 22 imprisonment for not more than thirty (30) days.

23 Section 6. It is the intent of the legislative
 24 assembly that if a part of this act is invalid, all valid
 25 parts that are severable from the invalid part remain in

1 effect. If a part of this act is invalid in one (1) or more
2 of its applications, the part remains in effect in all valid
3 applications that are severable from the invalid
4 applications.

-End-

Approved by Committee
on Labor & Employment
Relations

INTRODUCED BY *House* BILL NO. *167*
Senate *Quilley* *Mendenhall* *Walters*
Dunshee *Nelson* *Huennekens* *Kelly* *MUJAR*
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE
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Section 5. Penalties. A person violating sections 1, 2, or 3 is guilty of a felony and shall be punished by fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or by imprisonment for not less than one (1) nor more than two (2) years. A person violating section 4 is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days.

Section 6. It is the intent of the legislative assembly that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in

SECOND READING

1 effect. If a part of this act is invalid in one (1) or more
2 of its applications, the part remains in effect in all valid
3 applications that are severable from the invalid
4 applications.

-End-

INTRODUCED BY

House BILL NO. 167

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE
EMPLOYMENT OF PROFESSIONAL STRIKEBREAKERS IN A LABOR DISPUTE
AND TO LIMIT THE RIGHT TO RECRUIT EMPLOYEES TO REPLACE
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procure, supply, or refer a person for employment in place
of an employee involved in a labor dispute when such person,
partnership, or firm is not a party to the dispute.

Section 2. Professional strikebreakers prohibited. (1)
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the place of an employee involved in such dispute a person
who customarily and repeatedly offers himself for employment
in the place of employees involved in labor disputes.

(2) A person who customarily and repeatedly offers
himself for employment in place of employees involved in
labor disputes may not take or offer to take the place in
employment of an employee involved in a labor dispute within
the state of Montana.

Section 3. Agreements to procure strikebreakers

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contract or arrange with any other person, partnership, or
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there is a labor dispute at the place at which employment is
offered and that the employment offered is in the place of
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2, or 3 is guilty of a felony and shall be punished by fine
of not less than one thousand dollars (\$1,000) nor more than
five thousand dollars (\$5,000) or by imprisonment for not
less than one (1) nor more than two (2) years. A person
violating section 4 is guilty of a misdemeanor and shall be
punished by a fine of not less than one hundred dollars
(\$100) nor more than five hundred dollars (\$500) or
imprisonment for not more than thirty (30) days.

Section 6. It is the intent of the legislative
assembly that if a part of this act is invalid, all valid
parts that are severable from the invalid part remain in

1 effect. If a part of this act is invalid in one (1) or more
2 of its applications, the part remains in effect in all valid
3 applications that are severable from the invalid
4 applications.

-End-

February 18, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 167

That House Bill No. 167, third reading, be amended as follows:

1. Amend page 1, section 1, line 12.
Following: "refer a"
Strike: "person"
Insert: "professional strikebreaker"
2. Amend page 1, section 2, line 17.
Following: "dispute a"
Strike: "person"
Insert: "professional strikebreaker"
3. Amend page 1, section 2, line 20.
Following: "A"
Strike: "person"
Insert: "professional strikebreaker"
4. Amend page 2, section 3, line 4.
Strike: "persons"
Insert: "professional strikebreakers"
5. Amend page 2, section 5, line 14.
Following: "person"
Insert: "convicted of"
6. Amend page 2, section 5, line 15.
Following: "3"
Strike: "is guilty of a felony and"
7. Amend page 2, section 5, line 15.
Following: "by"
Insert: "a"
8. Amend page 2, section 5, line 18.
Following: "person"
Insert: "convicted of"
9. Amend page 2, section 5, line 19.
Following: "4"
Strike: "is guilty of a misdemeanor and"

HOUSE BILL NO. 167

INTRODUCED BY LYNCH, QUILICI, MENAHAN, HARPER,
KIMBLE, DRISCOLL, MELOY, HUENNEKENS, KELLY, MULAR,
LUEBECK, MCKITTRICK, HELMBRECHT

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE
EMPLOYMENT OF PROFESSIONAL STRIKEBREAKERS IN A LABOR DISPUTE
AND TO LIMIT THE RIGHT TO RECRUIT EMPLOYEES TO REPLACE
EMPLOYEES INVOLVED IN A LABOR DISPUTE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Recruitment by third parties. No person,
partnership, firm, or officer or agent thereof, may recruit,
procure, supply, or refer a person PROFESSIONAL
STRIKEBREAKER for employment in place of an employee
involved in a labor dispute when such person, partnership,
or firm is not a party to the dispute.

Section 2. Profesional strikebreakers prohibited. (1)
An employer involved in a labor dispute may not employ in
the place of an employee involved in such dispute a person
PROFESSIONAL STRIKEBREAKER who customarily and repeatedly
offers himself for employment in the place of employees
involved in labor disputes.

(2) A person PROFESSIONAL STRIKEBREAKER who
customarily and repeatedly offers himself for employment in

place of employees involved in labor disputes may not take
or offer to take the place in employment of an employee
involved in a labor dispute within the state of Montana.

Section 3. Agreements to procure strikebreakers
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contract or arrange with any other person, partnership, or
firm for the latter to recruit, procure, supply, or refer
persons PROFESSIONAL STRIKEBREAKERS for employment in place
of employees involved in the dispute.

Section 4. Advertising for strikebreakers restricted.
No person, partnership, or firm may recruit, solicit, or
advertise for employees, or refer persons to employment, in
place of employees involved in a labor dispute, without
adequate notice in such advertisement or reference that
there is a labor dispute at the place at which employment is
offered and that the employment offered is in the place of
employees involved in such dispute.

Section 5. Penalties. A person CONVICTED OF violating
sections 1, 2, or 3 ~~is--guilty-of-a-felony-and~~ shall be
punished by A fine of not less than one thousand dollars
(\$1,000) nor more than five thousand dollars (\$5,000) or by
imprisonment for not less than one (1) nor more than two (2)
years. A person CONVICTED OF violating section 4 ~~is--guilty~~
~~of-a-misdemeanor-and~~ shall be punished by a fine of not less
than one hundred dollars (\$100) nor more than five hundred

REFERENCE BILL

1 dollars (\$500) or imprisonment for not more than thirty (30)
2 days.

3 Section 6. It is the intent of the legislature that if
4 a part of this act is invalid, all valid parts that are
5 severable from the invalid part remain in effect. If a part
6 of this act is invalid in one (1) or more of its
7 applications, the part remains in effect in all valid
8 applications that are severable from the invalid
9 applications.

-End-

Laws and Resolutions
OF THE
STATE OF MONTANA

ENACTED BY THE

Forty-fourth Legislature

In Regular

Session

Held at Helena, the Seat of Government

Regular Session

January 6, 1975 to April 19, 1975

COMPILED BY MONTANA LEGISLATIVE COUNCIL

CONTENTS

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Chap. Num.	Senate Bill	House Bill	Title
36		253	An act to amend section 59-1605, R.C.M. 1947, by changing an inaccurate section reference; and providing an immediate effective date.Page 74
37	19		An act removing the imposition of secrecy from certain information submitted to the Department of State Lands under the act providing for reclamation of lands disturbed by hard rock mining by amending section 50-1221, R.C.M. 1947.Page 76
38		67	An act to provide for the organization, operation, and supervision of cooperative, nonprofit thrift and credit associations to be known as credit unions and to define their powers; and repealing sections 14-130 through 14-158, R.C.M. 1947.Page 77
39		78	An act to require cities of the first and second class to pay full premium for insurance provided under section 11-1024, R.C.M. 1947, to firefighters in the respective cities, and to provide authority to raise the local mill levy if necessary.Page 99
40		167	An act to prohibit the employment of professional strikebreakers in a labor dispute and to limit the right to recruit employees to replace employees involved in a labor dispute.Page 100
41		465	An act increasing from two dollars to three dollars the amount charged for the issuance of an original certificate of ownership of title and for a transfer of registration; providing that the amount remitted to the registrar of motor vehicles by the county treasurer be increased from one dollar to two dollars; providing an additional fee for registration of fifty cents (\$.50) per year; providing that monies appropriated from the general fund for registration purposes shall be reimbursed from the motor vehicle account; and amending sections 53-106 and 53-112, R.C.M. 1947.Page 101
42		62	An act to amend section 66-3330, R.C.M. 1947, to provide for an earmarked revenue fund for private investigators and to provide for the purpose for which funds may be expended by the Department of Professional and Occupational Licensing.Page 104
43		82	An act amending section 92-706.1, R.C.M. 1947, relating to medical benefits under the Workmen's Compensation Act, by adding a provision requiring the employer or insurer to repair or replace damaged or lost prescription eyeglasses, prescription contact lenses, prescription hearing aids, and dentures.Page 104
44		99	An act amending section 92-411, R.C.M. 1947, by changing the salary upon which premiums are collected for sole proprietors and partners under the workmen's compensation act, and providing that the salary shall also be used for the determination of compensation benefits.Page 105
45		105	An act to amend section 26-507, R.C.M. 1947, prohibiting the resale or commercial use of confiscated fish and game by purchasers.Page 106
46		107	An act amending section 92-413, R.C.M. 1947, of the Workmen's Compensation Act by changing the age for beneficiaries who are full time students in accredited schools from 22 years to 25 years so that the Montana death benefits for workmen's compensation complies completely with the report of the National Commission on State Workmen's Compensation Laws.Page 107
47		129	An act revising the provisions concerning use of disability and pension funds of the fire department relief association by amending sections 11-1926 and 11-1928, R.C.M. 1947.Page 108
48		133	An act amending section 11-2023, R.C.M. 1947, to delete the language that prohibits a retired volunteer fireman from receiving benefits from a retirement system other than the volunteer firemen's pension fund.Page 109
49		168	An act to permit physically and mentally handicapped persons to acquire a fishing license; amending section 26-202.1, R.C.M. 1947.Page 111
50		209	An act providing a definition for a custom combine unit; specifying overweight permits; providing identifying devices; providing a criminal penalty for violation; and amending section 84-6015, R.C.M. 1947.Page 116
51		213	An act to amend section 89-1001, R.C.M. 1947, to provide authority to appoint a water commissioner to insure delivery of water contracted by an irrigation district board.Page 117
52		232	An act to cut the junk vehicle disposal fees in half; amending section 69-6807, R.C.M. 1947.Page 118
53		89	An act amending section 53-148, R.C.M. 1947, to extend the privilege of purchasing personalized license plates to trucks, motorcycles, camping trailers, and other personal use vehicles.Page 119
54		91	An act to allow the creation of a capital improvement fund for county government.Page 120

11-1024.2. Special funding. Those incorporated cities and towns which require additional funds to finance the provisions of this act may levy on property by the amount required to meet these provisions, a tax not to exceed two (2) mills on the dollar upon all property in the respective city or town. This levy shall be collected in the same manner and at the same time as other taxes are levied.

Approved March 14, 1975.

CHAPTER NO. 40

AN ACT TO PROHIBIT THE EMPLOYMENT OF PROFESSIONAL STRIKEBREAKERS IN A LABOR DISPUTE AND TO LIMIT THE RIGHT TO RECRUIT EMPLOYEES TO REPLACE EMPLOYEES INVOLVED IN A LABOR DISPUTE.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new R.C.M. section numbered 41-2501 that reads as follows:

41-2501. Recruitment by third parties. No person, partnership, firm, or officer or agent thereof, may recruit, procure, supply, or refer a professional strikebreaker for employment in place of an employee involved in a labor dispute when such person, partnership, or firm is not a party to the dispute.

Section 2. There is a new R.C.M. section numbered 41-2502 that reads as follows:

41-2502. Professional strikebreakers prohibited. (1) An employer involved in a labor dispute may not employ in the place of an employee involved in such dispute a professional strikebreaker who customarily and repeatedly offers himself for employment in the place of employees involved in labor disputes.

(2) A professional strikebreaker who customarily and repeatedly offers himself for employment in place of employees involved in labor disputes may not take or offer to take the place in employment of an employee involved in a labor dispute within the state of Montana.

Section 3. There is a new R.C.M. section numbered 41-2503 that reads as follows:

41-2503. Agreements to procure strikebreakers prohibited. No employer involved in a labor dispute may contract or arrange with any other person, partnership, or firm for the latter to recruit, procure, supply, or refer professional strikebreakers for employment in place of employees involved in the dispute.

Section 4. There is a new R.C.M. section numbered 41-2504 that reads as follows:

41-2504. Advertising for strikebreakers restricted. No person, partnership, or firm may recruit, solicit, or advertise for employees, or refer persons to employment, in place of employees involved in a labor dispute, without adequate notice in such advertisement or reference that there is a labor dispute at the place at which employment is offered and that the employment offered is in the place of employees involved in such dispute.

Section 5. There is a new R.C.M. section numbered 41-2505 that reads as follows:

41-2505. Penalties. A person convicted of violating sections 41-2501, 41-2502, or 41-2503 shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or by imprisonment for not less than one (1) nor more than two (2) years. A person convicted of violating section 41-2504 shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days.

Section 6. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved March 14, 1975.

CHAPTER NO. 41

AN ACT INCREASING FROM TWO DOLLARS TO THREE DOLLARS THE AMOUNT CHARGED FOR THE ISSUANCE OF AN ORIGINAL CERTIFICATE OF OWNERSHIP OF TITLE AND FOR A TRANSFER OF REGISTRATION; PROVIDING THAT THE AMOUNT REMITTED TO THE REGISTRAR OF MOTOR VEHICLES BY THE COUNTY TREASURER BE INCREASED FROM ONE DOLLAR TO TWO DOLLARS; PROVIDING AN ADDITIONAL FEE FOR REGISTRATION OF FIFTY CENTS (\$.50) PER YEAR; PROVIDING THAT MONIES APPROPRIATED FROM THE GENERAL FUND FOR REGISTRATION PURPOSES SHALL BE REIMBURSED FROM THE MOTOR VEHICLE ACCOUNT; AND AMENDING SECTIONS 53-106 AND 53-112, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-106, R.C.M. 1947, is amended to read as follows:

"53-106. Number plates. (1) Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle. Such number plate shall be in eight series: one series for owners

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HOUSE AND SENATE JOURNALS

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Forty-Fourth Legislature
1975

In Regular Session: January 6, 1975-

April 19, 1975

In Special Session: August 4, 1975

Industry): A bill for an act entitled: "An act amending Section 41-1605, R.C.M. 1947, authorizing the Commissioner of Labor to investigate labor violations and institute proceedings to enforce labor laws; and providing an immediate effective date."

House Page No. 82, 628, 670, 700, 733, 1507, 1543, 1557, 1629, 1630, 1636, 1738, 1791.

Senate Page No. 600, 602, 959, 1020, 1039, 1041, 1242, 1260, 1261, 1330, 1441, 1526, 1533.

- 165 Introduced by Huennekens, Luebeck, Sloan, Vincent: A bill for an act entitled: "An act providing for the retention of Montana public lands in state ownership; amending Section 81-908, R.C.M. 1947; and providing an effective date."

House Page No. 82, 134, 141, 159, 165, 171, 183, 1442.

Senate Page No. 144, 146, 948, 988, 1033, 1041, 1082, 1095, 1255.

- 166 Introduced by Halvorson, James Moore, Finley, R. Baeth, Fagg, Harper: A bill for an act entitled: "An act adopting certain provisions from federal estate tax law regarding the taxability of jointly held property and marital exemptions; amending Section 91-4405, R.C.M. 1947."

House Page No. 91.

- 167 Introduced by Lynch, Quilici, Menahan, Luebeck, McKittrick, Harper, Kimble, Driscoll, Meloy, Huennekens, Kelly, Mular, Helmbrecht: A bill for an act entitled: "An act to prohibit the employment of professional strikebreakers in a labor dispute and to limit the right to recruit employees to replace employees involved in a labor dispute."

House Page No. 91, 226, 232, 257, 269, 297, 767, 915, 924, 941, 950, 1066, 1790.

Senate Page No. 228, 230, 401, 449, 540, 704, 736.

- 168 Introduced by Marks, Barrett, Menahan, Scully: A bill for an act entitled: "An act amending Section 75-7104, R.C.M. 1947, to raise the maximum amount of bonded indebtedness that may be incurred by a second or third class school district."

House Page No. 91, 556.

- 169 Introduced by Robbins, McFadden, Day: A bill for an act entitled: "An act to repeal the provisions requiring licensing of television translator and booster broadcasting systems by repealing Sections 70-401 through 70-407, R.C.M. 1947."

House Page No. 91, 194, 214, 225, 231, 264, 954, 996, 1105, 1790.

Senate Page No. 191, 193, 649, 692, 722, 782, 789.

- 170 Introduced by Federico: A bill for an act entitled: "An act repealing Section 94-8-110.2, R.C.M. 1947, relating to the sale and advertising of contraceptive drugs or devices."

House Page No. 91, 344, 371.

- 171 Introduced by Federico: A bill for an act entitled: "An act to legalize

HOUSE JOURNAL

OF THE

Forty-Fourth Legislature

OF THE

STATE OF MONTANA

Commencing in Regular Session
January 6, 1975, and Ending April 19, 1975

Commencing in Special Session
August 4, 1975, and Ending August 4, 1975

Ayes: Aageson, Asher, Babcock, R. Baeth, W. Baeth, Barrett, Brand, Casey, Dassinger, Day, Dussault, Ellison, Fagg, Federico, Fleming, Gilligan, Gunderson, Gwynn, Hageman, Hager, Halvorson, Helmbrecht, Herlevi, Johnson, Johnston, Kanduch, Kelly, Kendall, Kimble, Kummerfeldt, Kvaalen, Lester, Lien, Lynch, Magone, Manuel, Marks, Menahan, James Moore, O'Connell, Rasmussen, Robbins, Schye, Shelden, Sloan, South, Teague, Williams, Wolfe, Wood, Wyrick, Yardley. Total 52.

Noes: C. R. Anderson, J. Anderson, Bardanoue, Bengtson, Bertelsen, Bradley, Conroy, Driscoll, Ellerd, Ellis, Fabrega, Finley, Gould, Guthrie, Harper, Holmes, Hubing, Huennekens, Jacobsen, Kemmis, Kropp, Lockrem, Lory, Luebeck, McFadden, Meloy, Jack Moore, Mular, Murphy, Palmer, Richards, Scully, Seifert, Sivertsen, Smith, Staigmilller, Stoltz, Thomas, Travis, Tropila, Underdal, Vincent, Mr. Speaker. Total 43.

Excused: Fishbaugh, Gerke, Lund, Mercer. Total 4.

Absent or not voting: Quilici. Total 1.

Kendall moved that House Bill No. 34 be rereferred to the Committee on Judiciary.

Motion carried.

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following bills were introduced, read first time and referred to committee:

House Bill No. 166, introduced by Halvorson, James Moore, Finley, R. Baeth, Fagg, Harper: A bill for an act entitled: "An act adopting certain provisions from federal estate tax law regarding the taxability of jointly held property and marital exemptions; amending Section 91-4405, R.C.M. 1947." Referred to Committee on Taxation.

House Bill No. 167, introduced by Lynch, Quilici, Menahan, Luebeck, McKittrick, Harper, Kimble, Driscoll, Meloy, Huennekens, Kelly, Mular, Helmbrecht: A bill for an act entitled: "An act to prohibit the employment of professional strikebreakers in a labor dispute and to limit the right to recruit employees to replace employees involved in a labor dispute." Referred to Committee on Labor and Employment Relations.

House Bill No. 168, introduced by Marks, Barrett, Menahan, Scully: A bill for an act entitled: "An act amending Section 75-7104, R.C.M. 1947, to raise the maximum amount of bonded indebtedness that may be incurred by a second or third class school district." Referred to Committee on Education.

House Bill No. 169, introduced by Robbins, McFadden, Day: A bill for an act entitled: "An act to repeal the provisions requiring licensing of television translator and booster broadcasting systems by repealing Sections 70-401 through 70-407, R.C.M. 1947." Referred to Committee on State Administration.

House Bill No. 170, introduced by Federico: A bill for an act entitled: "An act repealing Section 94-8-110.2, R.C.M. 1947, relating to the sale and advertising of contraceptive drugs or devices." Referred to Committee on Public Health, Welfare and Safety.

House Bill No. 171, introduced by Federico: A bill for an act entitled: "An act to legalize prostitution outside of incorporated cities and towns; providing for its licensing and regulations; defining pandering; providing penalties; and repealing Sections 94-5-602 and 94-5-603, R.C.M. 1947." Referred to Committee on Public Health, Welfare and Safety.

That House Joint Resolution No. 11 do pass. (52-45)

That House Joint Resolution No. 16 do pass. (56-40)

That House Joint Resolution No. 20 do pass. (66-29)

That the Committee rise and report.

FAGG, Chairman

Report adopted.

REPORTS OF STANDING COMMITTEES

January 29, 1975

Mr. Speaker: The Committee on Bills reports the following bill considered correctly engrossed: House Bill No. 22.

QUILICI, Chairman

Objection raised by Gould on adverse committee report on House Bill No. 199. Referred to Second Reading.

January 29, 1975

Mr. Speaker: We, your Committee on Labor and Employment Relations, having had under consideration House Bill No. 167, respectfully report as follows: That House Bill No. 167 do pass.

KIMBLE, Chairman

Report adopted.

January 29, 1975

Mr. Speaker: We, your Committee on Taxation, having had under consideration House Bill No. 182, respectfully report as follows: That House Bill No. 182 be amended in the introduced bill as follows:

1. Amend title, page 1, line 5.

Strike: "the County General Fund for"

Insert: "additional amounts collected as a result of"

2. Amend page 1, Section 1, lines 20, 21, and 22.

Following: "reimbursed from"

Strike: "the county general fund by the county or counties in which the property is located."

Insert: "the amount collected as a result of the audit."

3. Amend page 1, Section 1, line 24.

Following: "among the"

Insert: "collections due each of the"

4. Amend page 2, Section 1, line 1.

Following: "department"

Strike: "."

Insert: "and may not exceed the amounts collected."

And as amended, do pass.

YARDLEY, Chairman

Report adopted.

January 29, 1975

Mr. Speaker: We, your Committee on Taxation, having had under con-

TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana
January 30, 1975

House Chambers
Capitol Building

House convened at 1:30 p.m., Mr. Speaker in the Chair.

Invocation by the Chaplain.

Pledge of Allegiance to the Flag.

Roll call. All members present except Fishbaugh, Gerke, Smith, Lund, Mercer, Kelly, all excused.

Quorum present.

Mr. Speaker: We, your Committee on Bills and Journal, having examined the daily journal for the Twentieth Legislative Day, find the same to be correct.

QUILICI, Chairman

COMMUNICATIONS AND PETITIONS

The Speaker this day appointed the following Representatives to serve on the Select Committee on Gambling: Dan Yardley, Chairman; J. D. Lynch, Vice-Chairman; Carroll V. South, Bob Finley, Duane Johnson, Peter J. Gilligan, Jr., Carl A. Seifert, Wallace W. Mercer, R. Budd Gould.

REPORTS OF STANDING COMMITTEES

January 29, 1975

Mr. Speaker: The Committee on Bills reports the following bill correctly engrossed: House Bill No. 150.

QUILICI, Chairman

January 30, 1975

Mr. Speaker: The Committee on Bills reports the following bills and resolutions considered correctly engrossed: House Bill No. 169, House Bill No. 206, House Joint Resolution No. 11, House Joint Resolution No. 16, House Joint Resolution No. 20.

QUILICI, Chairman

January 29, 1975

Mr. Speaker: The Committee on Bills reports the following bills considered correctly engrossed: House Bill No. 33, House Bill No. 45.

QUILICI, Chairman

January 29, 1975

Mr. Speaker: The Committee on Bills reports the following bills and resolution correctly printed: House Bill No. 118, House Bill No. 178, House Bill No. 180, House Bill No. 196, House Bill No. 199, House Bill No. 208, House Bill No. 217, House Joint Resolution No. 23.

QUILICI, Chairman

January 30, 1975

Mr. Speaker: The Committee on Bills reports the following bills and

resolution correctly printed: House Bill No. 83, House Bill No. 86, House Bill No. 167, House Joint Resolution No. 21.

QUILICI, Chairman

January 30, 1975

Mr. Speaker: We, your Committee on Education, having had under consideration Senate Joint Resolution No. 5, respectfully report as follows: That Senate Joint Resolution No. 5 be amended in the third reading copy as follows:

1. Amend the title, page 1, line 8.

Following: "eliminate"

Insert: "unnecessary"

2. Amend page 1, line 22.

Following: "eliminate"

Insert: "unnecessary"

3. Amend page 2, line 3.

Following: "eliminating"

Insert: "unnecessary"

And as amended, be concurred in.

GUNDERSON, Chairman

Report adopted.

January 29, 1975

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 102, respectfully report as follows: That House Bill No. 102 be amended in the introduced bill as follows:

1. Amend page 1, section 1, line 13.

Following: "each"

Insert: "first class"

2. Amend page 1, section 1, lines 13 through 15.

Following: "county"

Strike: "with a population in excess of sixty thousand (60,000), based on the latest United States bureau of census population estimate,"

Insert: "as defined in section 16-2419"

3. Amend page 1, section 1, line 17.

Following: "except"

Strike: "as to those matters in which he has a direct interest"

Insert: "that he may represent himself and his immediate family"

4. Amend page 1, section 2, line 20.

Following: "attorney in"

Strike: "those"

Insert: "first class"

5. Amend page 1, section 2, line 20.

Following: "counties"

Strike: "which have a population in excess of sixty thousand (60,000)"

6. Amend page 4, section 3, line 9.

Following: "(30,000)"

Strike: "but not more than sixty thousand (60,000)"

Insert: "which is not a first class county"

7. Amend page 4, section 3, line 12.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Meloy moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading, under the rules of the previous sitting.

Motion carried.

Seifert in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

January 31, 1975

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 46 do pass. (90-8)

That House Bill No. 55 do pass. (81-18)

That House Bill No. 59 do pass. (60-37)

That House Bill No. 73 be amended as follows:

1. Amend page 4, section 3, subsection (4), line 14.

Strike: "libel"

Insert: "liable" (86-2)

And as amended, do pass. (93-1)

That House Bill No. 83 do pass. (92-5)

That House Bill No. 86 do pass. (96-0)

That House Bill No. 108 do pass. (83-10)

That House Bill No. 110 do pass. (72-26)

That House Bill No. 122 do pass. (94-1)

That House Bill No. 167 do pass. (67-30)

That House Bill No. 181 do pass. (90-1)

That House Bill No. 182 do pass. (78-12)

Federico excused at this time.

That House Bill No. 196 do pass. (84-13)

That House Bill No. 202 do pass. (89-0)

That House Joint Resolution No. 13 do pass. (88-1)

That House Joint Resolution No. 21 do pass. (92-0)

That Senate Joint Resolution No. 5 be concurred in. (87-4)

That Senate amendments to House Bill No. 2 be concurred in. (91-1)

That the Committee rise and report.

SEIFERT, Chairman

Report adopted.

TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 1, 1975

House Chambers
Capitol Building

House convened at 1:30 p.m., Mr. Speaker in the Chair.

Invocation by Monida Vaughn, Pastor of the Little Church.

Pledge of Allegiance to the Flag.

Roll call. All members present except Gould, Gilligan, Federico, Brand, Bertelsen, Holmes, Robbins and Day, all excused.

Quorum present.

Mr. Speaker: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-second Legislative Day, find the same to be correct.

QUILICI, Chairman

REPORTS OF STANDING COMMITTEES

February 1, 1975

Mr. Speaker: The Committee on Bills reports the following bills and resolution correctly printed: House Bill No. 155, House Bill No. 56, House Bill No. 245, House Bill No. 243, House Bill No. 232, House Bill No. 112, House Joint Resolution No. 24.

QUILICI, Chairman

January 31, 1975

Mr. Speaker: The Committee on Bills reports the following bills correctly printed: House Bill No. 246, House Bill No. 300, House Bill No. 102, House Bill No. 183, House Bill No. 212.

QUILICI, Chairman

February 1, 1975

Mr. Speaker: The Committee on Bills reports the following bills and resolutions considered correctly engrossed: House Bill No. 196, House Bill No. 167, House Bill No. 108, House Bill No. 55, House Bill No. 59, House Bill No. 83, House Bill No. 86, House Bill No. 110, House Bill No. 122, House Bill No. 181, House Bill No. 182, House Bill No. 202, House Bill No. 46, House Joint Resolution No. 13, House Joint Resolution No. 21.

QUILICI, Chairman

February 1, 1975

The following bill was signed in the office of the Speaker of the House of Representatives on January 31, 1975: House Bill No. 7.

Edwin A. Smith, Chief Clerk
House of Representatives

February 1, 1975

Mr. Speaker: We, your Committee on Rules, having had under consideration House Bill No. 437, respectfully report as follows: That House Bill No. 437 be reported out of committee with no recommendation.

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Bengtson, Bradley, Brand, Casey, Conroy, Dassinger, Day, Dussault, Fagg, Federico, Finley, Fishbaugh, Fleming, Gerke, Gilligan, Gunderson, Gwynn, Hageman, Hager, Halvorson, Harper, Helmbrecht, Herlevi, Holmes, Huennekens, Jacobsen, Johnson, Johnston, Kanduch, Kelly, Kemmis, Kendall, Kimble, Kropp, Kummerfeldt, Lester, Lien, Lory, Luebeck, Lund, Lynch, McFadden, Magone, Manuel, Meloy, James Moore, Mular, Murphy, O'Connell, Palmer, Quilici, Rasmussen, Robbins, Schye, Scully, Shelden, Sivertsen, Sloan, South, Staigmiller, Stoltz, Teague, Thomas, Tropila, Vincent, Williams, Wolfe, Yardley. Total 72.

Noes: C.R. Anderson, J. Anderson, Asher, Babcock, Barrett, Ellerd, Ellis, Ellison, Fabrega, Gould, Guthrie, Hubing, Kvaalen, Marks, Mercer, Jack Moore, Seifert, Smith, Underdal, Wood, Wyrick, Mr. Speaker. Total 22.

Excused: Bertelsen, Driscoll, Lockrem, Menahan, Richards. Total 5.

Absent or not voting: Travis. Total 1.

House Bill No. 122 passed by the following vote:

Ayes: Aageson, C. R. Anderson, J. Anderson, Asher, Babcock, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bradley, Brand, Casey, Conroy, Dassinger, Day, Dussault, Ellerd, Ellis, Ellison, Fabrega, Fagg, Federico, Finley, Fishbaugh, Fleming, Gerke, Gilligan, Gould, Gunderson, Guthrie, Gwynn, Hageman, Hager, Halvorson, Harper, Helmbrecht, Herlevi, Holmes, Hubing, Huennekens, Jacobsen, Johnson, Johnston, Kanduch, Kelly, Kemmis, Kendall, Kimble, Kropp, Kummerfeldt, Kvaalen, Lester, Lien, Lory, Luebeck, Lund, Lynch, McFadden, Magone, Manuel, Marks, Meloy, Mercer, Jack Moore, James Moore, Mular, Murphy, O'Connell, Palmer, Quilici, Rasmussen, Robbins, Scully, Seifert, Shelden, Sivertsen, Sloan, Smith, South, Staigmiller, Stoltz, Teague, Thomas, Travis, Tropila, Underdal, Vincent, Williams, Wolfe, Wood, Wyrick, Yardley, Mr. Speaker. Total 94.

Noes: None.

Excused: Bertelsen, Driscoll, Lockrem, Menahan, Richards. Total 5.

Absent or not voting: Schye. Total 1.

House Bill No. 167 passed by the following vote:

Ayes: C.R. Anderson, J. Anderson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bradley, Brand, Conroy, Dassinger, Day, Dussault, Ellis, Fabrega, Federico, Finley, Fishbaugh, Fleming, Gerke, Gilligan, Gould, Gunderson, Gwynn, Halvorson, Harper, Helmbrecht, Herlevi, Holmes, Hubing, Huennekens, Johnson, Johnston, Kanduch, Kelly, Kemmis, Kendall, Kimble, Kummerfeldt, Lester, Lien, Luebeck, Lynch, McFadden, Magone, Manuel, Meloy, James Moore, Mular, Murphy, O'Connell, Palmer, Quilici, Robbins, Scully, Shelden, Sloan, South, Staigmiller, Stoltz, Teague, Thomas, Tropila, Underdal, Vincent, Williams, Wolfe, Yardley, Mr. Speaker. Total 69.

Noes: Aageson, Asher, Babcock, Casey, Ellerd, Ellison, Fagg, Guthrie, Hageman, Hager, Jacobsen, Kropp, Kvaalen, Lory, Lund, Marks, Mercer, Jack Moore, Rasmussen, Schye, Seifert, Sivertsen, Smith, Wood, Wyrick. Total 25.

Excused: Bertelsen, Driscoll, Lockrem, Menahan, Richards. Total 5.

Absent or not voting: Travis. Total 1.

House Bill No. 187, introduced by Jack Moore.

Respectfully yours,

John N. Hanson
Secretary of the Senate

February 22, 1975

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three several times, and passed, title and history agreed to, and the said bills are herewith transmitted to the House for concurrence:

Senate Bill No. 246, introduced by R. Smith, Regan, Norman, et al

Senate Bill No. 283, introduced by Seibel, Boylan, Warden, et al

Respectfully yours,

John N. Hanson
Secretary of the Senate

February 24, 1975

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bill was this day read three several times and concurred in as amended, title and history agreed to, and the said bill is herewith returned to the House for concurrence in Senate amendments:

House Bill No. 167, introduced by Lynch, Quilici, et al

Respectfully yours,

John N. Hanson
Secretary of the Senate

MOTIONS

Huennekens moved that the House reconsider its action in failing to pass House Bill No. 319 on Third Reading this day and return it to Second Reading this day.

Motion carried.

REPORTS OF STANDING COMMITTEES

February 25, 1975

Mr. Speaker: We, your Committee on Labor and Employment Relations, having had under consideration House Bill No. 461, respectfully report as follows: That House Bill No. 461 be amended in the introduced bill as follows:

1. Amend the title, page 1, lines 10 and 11.

Following: "balance;"

Strike: "providing a new method for voluntary payments"

Insert: "replacing chargeback factor with quarterly payroll decline factor"

2. Amend section 1, subsection (c)(3), page 6, line 25 and page 7, line 1.

Following: "and (3)"

And as amended, be concurred in. (79-30)

That Senate Bill No. 113 be concurred in. (90-7)

That Senate Bill No. 116 be concurred in. (73-17)

That Senate Bill No. 129 be concurred in. (82-5)

Lockrem replaces Scully in the Chair.

That Senate Bill No. 133 be concurred in. (79-14)

Scully resumes the Chair.

That Senate Bill No. 168 be concurred in. (97-0)

That Senate Bill No. 232 be concurred in. (92-0)

That Senate Bill No. 291 be not concurred in. (60-33)

That Senate Bill No. 353 be concurred in. (89-2)

That Senate Joint Resolution No. 27 be passed for the day.

That Senate Amendments to House Bill No. 70 be not concurred in. (79-12)

That Senate Amendments to House Bill No. 78 be concurred in. (90-2)

That Senate Amendments to House Bill No. 167 be concurred in. (86-7)

That Senate Amendments to House Bill No. 465 be concurred in. (88-0)

That Senate Bill No. 46 be concurred in. (68-17)

That the Committee rise and report.

SCULLY, Chairman

Jack Moore moved that House Bill No. 291 be segregated from the Committee of the Whole report and as amended be adopted.

Motion carried.

REPORTS OF STANDING COMMITTEES

March 4, 1975

Mr. Speaker: The Committee on Bills reports the following bills correctly enrolled: House Bills Nos. 230, 233.

QUILICI, Chairman

March 4, 1975

I have examined House Bill No. 253 introduced by me and find the same to be correct.

JOHNSON

March 4, 1975

I have examined House Bill No. 233 introduced by me and find the same to be correct.

JOHNSON

March 4, 1975

I have examined House Bill No. 230 introduced by me and find the same to be correct.

SOUTH

Gould, Gunderson, Guthrie, Gwynn, Hageman, Hager, Halvorson, Harper, Helmbrecht, Herlevi, Holmes, Hubing, Huennekens, Jacobsen, Johnson, Kanduch, Kelly, Kemmis, Kendall, Kimble, Kropp, Kummerfeldt, Kvaalen, Lester, Lien, Lory, Luebeck, Lund, Lynch, McFadden, Magone, Marks, Meloy, Menahan, James Moore, Mular, Murphy, O'Connell, Palmer, Quilici, Rasmussen, Richards, Robbins, Schye, Scully, Seifert, Shelden, Sloan, Smith, South, Staigmilller, Stoltz, Teague, Thomas, Travis, Tropila, Vincent, Williams, Wolfe, Wood, Wyrick, Yardley, Mr. Speaker. Total 93.

Noes: Lockrem, Mercer, Jack Moore, Underdal. Total 4.

Excused: None.

Absent or not voting: Johnston, Manuel, Sivertsen. Total 3.

Senate Amendments to House Bill No. 167 were concurred in by the following vote:

Ayes: Aageson, C. R. Anderson, J. Anderson, Asher, Babcock, R. Baeth, W. Baeth, Barrett, Bengtson, Bertelsen, Bradley, Brand, Casey, Conroy, Dassinger, Day, Dussault, Ellerd, Ellis, Fabrega, Fagg, Federico, Finley, Fishbaugh, Fleming, Gerke, Gilligan, Gould, Gunderson, Guthrie, Gwynn, Hageman, Hager, Halvorson, Harper, Helmbrecht, Herlevi, Holmes, Hubing, Huennekens, Jacobsen, Johnson, Johnston, Kanduch, Kelly, Kemmis, Kendall, Kimble, Kropp, Kummerfeldt, Kvaalen, Lester, Lien, Lory, Luebeck, Lund, Lynch, McFadden, Magone, Marks, Meloy, Menahan, Mercer, Jack Moore, James Moore, Mular, Murphy, O'Connell, Palmer, Quilici, Rasmussen, Richards, Robbins, Schye, Scully, Seifert, Shelden, Sivertsen, Sloan, Smith, South, Staigmilller, Stoltz, Teague, Thomas, Travis, Tropila, Underdal, Vincent, Williams, Wolfe, Wood, Yardley, Mr. Speaker. Total 94.

Noes: Lockrem, Wyrick. Total 2.

Excused: None.

Absent or not voting: Bardanouve, Driscoll, Ellison, Manuel. Total 4.

Senate Amendments to House Bill No. 465 were concurred in by the following vote:

Ayes: Aageson, C. R. Anderson, J. Anderson, Asher, Babcock, R. Baeth, W. Baeth, Barrett, Bengtson, Bertelsen, Bradley, Brand, Conroy, Dassinger, Day, Driscoll, Dussault, Ellerd, Ellis, Ellison, Fabrega, Fagg, Federico, Finley, Fishbaugh, Fleming, Gerke, Gilligan, Gunderson, Guthrie, Gwynn, Hageman, Hager, Halvorson, Harper, Helmbrecht, Herlevi, Holmes, Hubing, Huennekens, Jacobsen, Johnson, Johnston, Kanduch, Kelly, Kemmis, Kendall, Kimble, Kropp, Kummerfeldt, Kvaalen, Lester, Lien, Lockrem, Lory, Luebeck, Lund, Lynch, McFadden, Magone, Marks, Meloy, Menahan, Mercer, Jack Moore, James Moore, Mular, Murphy, O'Connell, Palmer, Quilici, Rasmussen, Richards, Schye, Scully, Seifert, Shelden, Sivertsen, Sloan, Smith, South, Staigmilller, Stoltz, Travis, Tropila, Underdal, Vincent, Williams, Wolfe, Wood, Wyrick, Mr. Speaker. Total 92.

Noes: Casey, Gould, Robbins, Teague, Yardley. Total 5.

Excused: None.

Absent or not voting: Bardanouve, Manuel, Thomas. Total 3.

MOTIONS

Menahan moved that Senate Bill No. 53 be rereferred from the Committee on Judiciary to the Committee on Public Health, Welfare and Safety.

FIFTIETH LEGISLATIVE DAY

Helena, Montana
March 7, 1975

House Chambers
Capitol Building

House convened at 1:30 p.m., Mr. Speaker in the Chair.

Invocation by Monida Vaughn, Pastor of the Little Church.

Pledge of Allegiance to the Flag.

Roll call. All members present except Kimble, excused.

Quorum present.

Mr. Speaker: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-ninth Legislative Day, find the same to be correct.

QUILICI, Chairman

REPORTS OF STANDING COMMITTEES

March 7, 1975

I have examined House Bill No. 78 introduced by me and find the same to be correct.

JOHNSON

March 7, 1975

I have examined House Bill No. 67 introduced by me and find the same to be correct.

MANUEL

March 7, 1975

I have examined House Bill No. 167 introduced by me and find the same to be correct.

LYNCH

March 7, 1975

I have examined House Bill No. 465 introduced by me and find the same to be correct.

HAGER

March 7, 1975

Mr. Speaker: The Committee on Bills reports the following bills correctly enrolled: House Bills Nos. 67, 78, 167, 465.

QUILICI, Chairman

March 7, 1975

The following bills will be signed on adjournment on March 7, 1975, in the office of the Speaker of the House of Representatives: House Bills Nos. 67, 78, 167, 465.

Edwin A. Smith, Chief Clerk
House of Representatives

That Senate Bill No. 283 be concurred in. (85-0)

That Senate Bill No. 294 be concurred in. (79-8)

That Senate Joint Resolution No. 7 be concurred in. (77-4)

That Senate Joint Resolution No. 13 be concurred in. (85-0)

That Senate Bill No. 7 be passed for the day.

That in accordance with joint rule 6-28, Senate Bill No. 53 be placed on Third Reading.

That the Committee rise and report.

(Material in brackets denotes cancelled type.)

ELLIS, Chairman

Report adopted.

REPORTS OF STANDING COMMITTEES

March 7, 1975

Mr. Speaker: The Committee on Bills reports the following bills correctly printed: House Bills Nos. 374, 674, 14, 94.

JOHNSTON, Vice-Chairman

March 7, 1975

The following bills were signed in the office of the Speaker of the House of Representatives on March 7, 1975: House Bills Nos. 67, 78, 167, 465.

Edwin A. Smith, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

March 7, 1975

The Honorable Pat McKittrick
Speaker of the House of Representatives
State Capitol
Helena, Montana 59601

Dear Mr. Speaker:

I have the honor to inform you that I have this day approved House Bills Nos. 32, 105, 230, 233, 253.

Sincerely,

THOMAS L. JUDGE
Governor

March 7, 1975

The Honorable W. Gordon McOmber
President of the Senate
State Capitol
Helena, Montana 59601

Dear Mr. President:

I have the honor to inform you that I have this day approved Senate Bills Nos. 68, 150, 170, 178, and 184.

MESSAGES FROM THE GOVERNOR

March 14, 1975

The Honorable Pat McKittrick
Speaker of the House
of Representatives
State Capitol
Helena, Montana 59601

Dear Mr. Speaker:

I have the honor to inform you that I have this day approved House Bills Nos. 67, 78, 167, and 465.

Sincerely,

THOMAS L. JUDGE
Governor

March 14, 1975

The Honorable Gordon McOmber
President of the Senate
State Capitol
Helena, Montana 59601

Dear Mr. President:

I have the honor to inform you that I have this day approved Senate Bill No. 19.

Sincerely,

THOMAS L. JUDGE
Governor

MESSAGES FROM THE OTHER HOUSE

March 14, 1975

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate acceded to the request of the House dated March 13, 1975, and authorized the President to appoint a Conference Committee to meet with a like committee of the House to confer on Senate amendments to House Bill No. 106.

The President appointed the following members:

Senator Watt, Chairman
Senator Norman
Senator Brown.

Respectfully yours,

John N. Hanson
Secretary of the Senate

March 14, 1975

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate acceded to the request of the House dated March 13, 1975, and authorized the President to appoint a Conference Committee to meet with a like committee of the House to confer on Senate amendments to House Bill No. 418.

April 19, 1975

I have examined House Bill No. 712 introduced by me and find the same to be correct.

MC KITTRICK

April 19, 1975

I have examined House Bill No. 716 introduced by me and find the same to be correct.

MC KITTRICK

April 19, 1975

I have examined House Bill No. 717 introduced by me and find the same to be correct.

MC KITTRICK

April 19, 1975

Mr. Speaker: The Committee on Bills reports the following bills correctly enrolled: House Bills Nos. 269, 672, 712, 716, 717.

QUILICI, Chairman

April 19, 1975

The following bills will be signed at 4:05 p.m. on April 19, 1975, in the office of the Speaker of the House of Representatives: House Bills Nos. 269, 672, 712, 716, 717, Senate Bills Nos. 2, 54, 246, 329, 330, 367, 378.

Edwin A. Smith, Chief Clerk
House of Representatives

April 19, 1975

The following bills were signed in the office of the Speaker of the House of Representatives on April 19, 1975: House Bills Nos. 269, 672, 712, 716, 717, Senate Bills Nos. 2, 54, 246, 329, 330, 367, 378.

Edwin A. Smith, Chief Clerk
House of Representatives

April 19, 1975

The following bills were signed in the office of the Speaker of the House of Representatives on March 18, 1975: Senate Bills Nos. 37, 89, 102, 293 - March 19, 1975.

Edwin A. Smith, Chief Clerk
House of Representatives

April 19, 1975

Mr. Speaker: We, your Committee on Bills, to whom were referred the following bills, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were, on the following days, delivered to the Governor for his approval:

House Bill No. 1 - January 11, 1975
House Bill No. 40 - January 18, 1975
House Bill No. 6 - January 30, 1975
House Bill No. 7 - February 3, 1975
House Bill No. 109 - February 6, 1975
House Bills Nos. 141, 520, 2 - February 7, 1975
House Bill No. 30 - February 8, 1975
House Bill No. 25 - February 11, 1975
House Bills Nos. 24, 39 - February 13, 1975

House Joint Resolutions Nos. 6, 22 - February 18, 1975
House Bills Nos. 99, 147 - February 18, 1975
House Bills Nos. 31, 142, 232 - February 19, 1975
House Bills Nos. 37, 38, 22, 41 - February 22, 1975
House Bills Nos. 32, 105, 230, 233 and 253 - March 6, 1975
House Bills Nos. 167, 78, 465, 67 - March 10, 1975
House Bill No. 679 - March 12, 1975
House Bills Nos. 89, 91, 92, 124, 136, 150, 169, 246, 249,
287, 288, 315, 343, 482, 487, 514, 574 - March 14, 1975
House Bills Nos. 3, 28, 151, 206, 208, 212, 292, 357,
360, 457 - March 15, 1975
House Bills Nos. 72, 122, 163, 213, 214, 226, 242, 322
692 - March 15, 1975
House Bills Nos. 102, 118, 175, 178, 220, 241, 258, 304,
352, 375, 381, 397, 484, 497, 498, 499, 500, 661, 283,
293, 448, 530, 536, 618, 33, 76, 386, 388, 473, 399,
71, 308, 355, 328, 508, 365, 535, 338, 116, 508, 383,
345, 336, 384, 188, 261, 501 - March 21, 1975
House Bill No. 481 - March 21, 1975
House Bills Nos. 5, 504, 570 - March 22, 1975
House Bills Nos. 229, 458, 537, 598, 631 - March 22, 1975
House Bills Nos. 297, 306, 568 - March 24, 1975
House Bills Nos. 180, 252, 464, 509, 527,
551 - March 25, 1975
House Bills Nos. 247, 454, 513 - March 28, 1975
House Bills Nos. 107, 203, 313, 316, 337, 378, 485, 522,
590, 623, 659 - March 28, 1975
House Bills Nos. 216, 353, 358, 362, 638 - March 31, 1975
House Bills Nos. 182, 234, 260, 404, 624 - April 1, 1975
House Bills Nos. 86, 110, 303, 416, 447, 455,
565, 699 - April 4, 1975
House Bills Nos. 95, 144, 155, 266, 305, 307, 309,
356, 368, 396, 418, 419, 463, 471, 518, 531, 562,
563, 571, 579, 637, 676, 678 - April 5, 1975
House Bills Nos. 9, 13, 29, 45, 77, 83, 93, 106, 112,
125, 127, 140, 152, 173, 176, 179, 195, 202, 207, 217,
243, 267 - April 7, 1975
House Bills Nos. 290, 299, 302, 320, 324, 340, 354, 409,
420, 434, 435, 436, 445, 451, 452, 472, 492, 493, 507,
517, 533, 545, 555, 561, 569, 646, 656, 691 - April 7, 1975
House Bills Nos. 70, 245, 282, 332, 424, 480, 519, 583,
647, 671 - April 9, 1975
House Bills Nos. 55, 104, 108, 183, 228, 274, 335,
338, 367, 372, 389, 400, 439, 446, 460, 461, 469,
486, 538, 539, 593, 597, 607, 615, 621, 627, 648,
650, 666 - April 10, 1975
House Bill No. 566 - April 10, 1975
House Bills Nos. 113, 342, 427, 623 - April 14, 1975
House Bills Nos. 8, 10, 143, 177, 198, 393, 395, 396,
435, 531, 613, 683 - April 18, 1975
House Bill No. 666 - April 18, 1975
House Bills Nos. 121, 218, 264, 265, 271, 289, 341, 401,
426, 453, 516, 532, 557, 569, 581, 622, 637, 642, 648,
663, 715 - April 19, 1975
House Bill No. 269 - April 19, 1975
House Bills Nos. 672, 712, 716, 717 - April 19, 1975
House Bills Nos. 254, 272, 285, 286, 443, 586,
633, 684 - April 19, 1975

SENATE JOURNAL

OF THE

Forty-Fourth Legislature

OF THE

STATE OF MONTANA

Commencing in Regular Session
January 6, 1975, and Ending April 19, 1975

Commencing in Special Session
August 4, 1975, and Ending August 4, 1975

House Joint Resolution No. 13 introduced by Bengtson, Brand

House Joint Resolution No. 21 introduced by Williams, Gerke

Sincerely,

EDWIN A. SMITH
Chief Clerk

February 3, 1975

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following House Bills were this day read three several times, and passed, title and history agreed to, and the bills are herewith transmitted to the Senate for concurrence:

House Bill No. 45 introduced by Kvaalen

House Bill No. 55 introduced by Gunderson, Kemmis

House Bill No. 59 introduced by Yardley

House Bill No. 83 introduced by Day, Robbins

House Bill No. 86 introduced by Lester, James Moore

House Bill No. 108 introduced by Kendall, Gwynn

House Bill No. 110 introduced by Brand, W. Baeth

House Bill No. 122 introduced by Yardley by request

House Bill No. 167 introduced by Lynch, Quilici

House Bill No. 181 introduced by Teague, Vincent by request

House Bill No. 182 introduced by Teague, Vincent by request

House Bill No. 196 introduced by Meloy, Holmes

House Bill No. 202 introduced by McKittrick, Kendall

Sincerely,

EDWIN A. SMITH
Chief Clerk

MOTIONS

Motion was made by Senator Lynch that the Rules of the Forty-fourth Legislature be temporarily suspended in order to allow a bill pertaining to the following to be introduced:

"An act providing for suspension of action on certain applications for permits to appropriate surface water in the Columbia River Basin, the Missouri River Basin, and the Hudson Bay Drainage Basin, making reservations established under the Montana Water Use Act."

Motion carried by the following roll call vote:

Ayes: Blaylock, Boylan, Brown, Cetrone, Colberg, Conover, Devine, Drake, Dunkle, Etchart, Fasbender, Flynn, Foster, Galt, Graham, Greely, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lynch, McCallum, Manley, Mathers, Murphy, Nelson, Norman, Regan, Romney, Rosell, Seibel, E. Smith, R. Smith, Stephens, Story, Thiessen, Towe, Warden, Watt, Mr. President. Total 42.

establish, and the Department of Natural Resources and Conservation to administer, a system of wild, scenic, and recreational river areas." Referred to Committee on Natural Resources and Fish and Game.

HOUSE BILL NO. 83, introduced by Day, Robbins, Bengtson, Conroy, Meloy, Bradley, Staigmillier, Shelden, Fishbaugh, Jacobsen, Huennekens, Wolfe, Palmer, Sloan, Gerke, Williams, Holmes, Kimble, Manuel, Bertelsen, Johnson, Luebeck, Richards, Lester, Kemmis, South: A bill for an act entitled: "An act prohibiting a change of use for a water right from agricultural to nonagricultural; amending Section 89-892, R.C.M. 1947." Referred to Committee on Natural Resources and Fish and Game.

HOUSE BILL NO. 86, introduced by Lester (by request), Jack Moore, Travis, Gilligan, Gould, Murphy: A bill for an act entitled: "An act to protect the rights and independence of blind persons; amending Sections 71-1305, 71-1306, and 71-1307, R.C.M. 1947." Referred to Committee on Public Health, Welfare and Safety.

HOUSE BILL NO. 108, introduced by Kendall, Gwynn: A bill for an act entitled: "An act amending Section 82-1222, R.C.M. 1947, to authorize officers other than the state fire marshal to cause alteration, repair and demolition of dilapidated buildings; making the cost of such alteration, repair, or demolition a lien against the real estate in preference to prior incumbrances; and requiring payment of the proceeds of sale on foreclosure of the lien to be paid to the governmental body which ordered such alteration, repair or demolition." Referred to Committee on Local Government.

HOUSE BILL NO. 110, introduced by Brand, W. Baeth: A bill for an act entitled: "An act requiring the Attorney General to give written opinions within [four (4)] three (3) months to the governing body of any city or town upon any question of law relating to the offices of said governing body." Referred to Committee on Judiciary.

HOUSE BILL NO. 122, introduced by Yardley (by request): A bill for an act entitled: "An act to amend Section 94-5-607, R.C.M. 1947, by including contributing to the delinquency of a youth as endangering welfare of children, providing increased penalties for second offense and providing an effective date." Referred to Committee on Judiciary.

HOUSE BILL NO. 167, introduced by Lynch, Quilici, Menahan, Luebeck, McKittrick, Helmbrecht, Harper, Kimble, Dussault, Meloy, Huennekens, Kelly, Mular: A bill for an act entitled: "An act to prohibit the employment of professional strikebreakers in a labor dispute and to limit the right to recruit employees to replace employees involved in a labor dispute." Referred to Committee on Labor and Employment Relations.

HOUSE BILL NO. 181, introduced by Teague, Vincent (by request of Department of Revenue): A bill for an act entitled: "An act to require that state and national banks shall report the value of bank shares according to the accounting system used, and prohibiting any bank which [utilizes a full accrual accounting system] accrues both income and expense from converting to a cash basis when reporting the value of bank shares for ad valorem tax purposes." Referred to Committee on Taxation.

HOUSE BILL NO. 182, introduced by Teague, Vincent, (by request of Department of Revenue): A bill for an act entitled: "An act to establish an audit fee as a charge against [the county general fund for] additional amounts collected as a result of audit services rendered by the Department of Revenue in determining the taxable value of net proceeds, bank shares, inventories, and other types of property subject to ad valorem taxation." Referred to Committee on Taxation.

Following: "and"

Insert: "some"

4. Amend page 2, section 1, line 17.

Following: "Montana"

Insert: "which have three (3) or more full time law enforcement officials"

And as so amended, do pass.

ROMNEY, Chairman

Report adopted.

Mr. President: We, your Committee on State Administration, having had under consideration Senate Bill No. 362, respectfully report as follows that: Senate Bill No. 362, introduced bill, be amended as follows:

1. Amend page 1, section 1, lines 23 through 25.

Following: "on"

Strike: "the first day of July after certification of the election returns unless the amendment provides otherwise"

Insert: "December 31, 1976"

2. Amend page 2, line 4.

Following: line 4

Strike: "For leaving the constitution as it is requiring a two-thirds vote of all legislators taken together to adopt a constitutional amendment to be submitted to the people"

Insert: "Against changing the constitution to require two thirds of the members of each house to adopt a constitutional amendment to be submitted to the people"

And as so amended, do pass.

GREELY, Chairman

Report adopted.

Mr. President: We, your Committee on Labor and Employment Relations, having had under consideration House Bill No. 167, respectfully report as follows: That House Bill No. 167, third reading copy, be amended as follows:

1. Amend page 1, section 1, line 12.

Following: "refer a"

Strike: "person"

Insert: "professional strikebreaker"

2. Amend page 1, section 2, line 17.

Following: "dispute a"

Strike: "person"

Insert: "professional strikebreaker"

3. Amend page 1, section 2, line 20.

Following: "A"

Strike: "person"

Insert: "professional strikebreaker"

4. Amend page 2, section 3, line 4.

Strike: "persons"

Insert: "professional strikebreakers"

5. Amend page 2, section 5, line 14.

Following: "person"

Insert: "convicted of"

6. Amend page 2, section 5, line 15.

Following: "3"

Strike: "is guilty of a felony and"

7. Amend page 2, section 5, line 15.

Following: "by"

Insert: "a"

8. Amend page 2, section 5, line 18.

Following: "person"

Insert: "convicted of"

9. Amend page 2, section 5, line 19.

Following: "4"

Strike: "is guilty of a misdemeanor and"

And as so amended, be concurred in.

LEE, Chairman

Report adopted.

Mr. President: We, your Committee on State Administration, having had under consideration Senate Bill No. 244, respectfully report as follows: That Senate Bill No. 244 be reported without recommendation.

GREELY, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 163, respectfully report as follows: That Senate Bill No. 163 do not pass.

ROMNEY, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Aber, Blaylock, Boylan, Cetrone, Colberg, Conover, Devine, Drake, Dunkle, Etchart, Fasbender, Flynn, Foster, Galt, Goodover, Graham, Greely, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lynch, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Nelson, Norman, Olson, Regan, Roberts, Romney, Roskie, Seibel, E. Smith, R. Smith, Stephens, Story, Thiessen, Towe, Turnage, Warden, Watt, Mr. President. Total 48.

Noes: None.

Absent and not voting: Rosell. Total 1.

Excused: Brown. Total 1.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Joint Resolution No. 20, respectfully report as follows: That Senate Joint Resolution No. 20 do not pass.

TOWE, Chairman

Thereupon, the report was adopted by the following roll call vote:

Ayes: Blaylock, Boylan, Cetrone, Colberg, Conover, Devine, Dunkle, Fasbender, Flynn, Foster, Goodover, Greely, Hazelbaker, Healy, Lynch, Manley, Mathers, Norman, Regan, Roberts, Romney, Rosell, Seibel, R. Smith, Stephens, Towe, Warden, Watt, Mr. President. Total 29.

Noes: Aber, Drake, Etchart, Galt, Graham, Himsl, Jergeson, Kolstad,

Following: "act"

Strike: "; and to provide an effective date"

2. Amend page 4, section 5, lines 19 and 20.

Following: "Section 5."

Strike: "Effective date. This act is effective upon passage and approval."

And as so amended, be indefinitely postponed. Opposed by Blaylock, Boylan, Cetrone, Foster, Hazelbaker, Jergeson, Lynch, McOmber, Murphy, Norman, Regan, Roberts, Rosell, Seibel, R. Smith, Watt.

That Senate Bill No. 194 do pass. Unanimously passed.

That Senate Bill No. 233 do pass. Opposed by Boylan, Cetrone, Colberg, Etchart, Flynn, Foster, Galt, Jergeson, McCallum, Manley, Nelson, Norman, Olson, Regan, Roberts, Romney, Roskie, Seibel, Story, Turnage.

That Senate Bill No. 247 do pass. Unanimously passed.

That Senate Bill No. 271 do pass. Unanimously passed.

That Senate Bill No. 298 do pass. Unanimously passed.

That Senate Bill No. 316 do pass. Opposed by Story, Olson, Roskie, Galt.

That Senate Bill No. 348 do pass. Unanimously passed.

That Senate Bill No. 352 do pass. Opposed by Flynn.

That consideration of Senate Bill No. 355 be passed. Unanimously passed.

That Senate Bill No. 364 do pass. Unanimously passed.

That Senate Bill No. 374 do pass. Unanimously passed.

That Senate Bill No. 392 be indefinitely postponed. Opposed by Boylan, Cetrone, Drake, Dunkle, Etchart, Galt, Goodover, Greely, Hazelbaker, Healy, Lee, McCallum, Manning, Mehrens, Nelson, Roskie, R. Smith, Story, Turnage, Watt.

That consideration of House Bill No. 100 be passed. Unanimously passed.

That House Bill No. 167 be concurred in. Opposed by Drake, Dunkle, Etchart, Galt, Mathers, Nelson, Rosell, Roskie.

That House Joint Resolution No. 14 be concurred in. Unanimously concurred in.

That Senate Bill No. 236 be amended as follows:

1. Amend page 2, section 1, line 8.

Following: "[two]"

Strike: "five dollars (\$5)"

Insert: "two dollars and fifty cents (\$2.50)"

2. Amend page 3, section 1, line 7.

Strike: "five dollars (\$5)"

Insert: "three dollars (\$3)"

3. Amend page 3, section 1, line 21.

Following: "[three dollars (\$3)]"

Strike: "seven dollars"

Insert: "four dollars"

4. Amend page 3, section 1, line 22.

the knowledge of all parties to the conversation. Subsection (c) shall not apply to duly elected or appointed public officials or employees when such transcription or recording is done in the performance of official duty; nor to persons speaking at public meetings or persons given warning of such recording.

(d) Attempts by means of any machine, instrument, contrivance or in any other manner, reads, or attempts to read any message or learn the contents thereof, while the same is being sent over any telegraph line, or learns or attempts to learn the contents of any message, whilst the same is in any telegraph office or is being received thereat or sent therefrom, or who uses or attempts to use, or communicate to others, any information so obtained.

(e) Discloses the contents of a telegraphic message or any part thereof, addressed to another person without the permission of such person, unless directed to do so by the lawful order of a court.

(f) Opens or reads or causes to be read any sealed letter not addressed to himself, without being authorized to do so by either the writer of such letter or by the person to whom it is addressed, and every person who, without the like authority, publishes any of the contents of such letters knowing the same to have been unlawfully opened.]

(2) A person convicted of the offense of violating the privacy in communications shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for a term not to exceed six (6) months or both."

Renumber: subsequent section

36. Amend page 37, section 10, line 12.

Following: "41-119"

Strike: ",

Insert: "and"

37. Amend page 37, section 10, lines 12 and 13.

Following: "41-120,"

Strike: "94-3202, 94-3320, 94-3321, 94-3323, 94-35-220, 94-35-274, and 94-25-275,"

(Material in brackets denotes cancelled type.)

And as so amended, do pass.

TOWE, Chairman

Report adopted.

MOTIONS

Upon motion of Senator Lynch, duly carried, that the rules of the Forty-fourth Legislature be temporarily suspended in order to allow the following bills to be placed on Third Reading for consideration this Legislative Day: Senate Bills Nos. 31, 53, 76, 186, 201, 218, 227, 244, 250, 260, 297, 301, 318, 321, 333, 367, 370, 375, 378.

THIRD READING OF BILLS

House Bill No. 167, having been read three several times, was concurred in by the following roll call vote:

Ayes: Aber, Blaylock, Boylan, Brown, Cetrone, Colberg, Conover, Devine, Drake, Fasbender, Flynn, Foster, Goodover, Graham, Greely, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lynch, McCallum,

to appoint a like committee to confer on Senate Amendments to House Bill No. 70.

The Speaker appointed the following members:

James Moore, Chairman
John Scully
C. R. Anderson

Respectfully,

EDWIN A. SMITH
Chief Clerk

March 5, 1975

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following Senate Amendments to House Bills were this day concurred in on third reading by the House:

Senate Amendments to House Bill No. 78

Senate Amendments to House Bill No. 167

Senate Amendments to House Bill No. 465

Respectfully,

EDWIN A. SMITH
Chief Clerk

March 5, 1975

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following Senate Joint Resolution was this day in Committee of the Whole, not concurred in, report adopted and the resolution is herewith returned to the Senate:

Senate Joint Resolution No. 8 introduced by Jergeson, Manley

Respectfully,

EDWIN A. SMITH
Chief Clerk

MOTIONS

Upon motion of Senator Lynch, duly carried, that the President be authorized to appoint a Conference Committee of three to meet with a like committee from the House to confer on Senate Amendments to House Bill No. 70.

The President appointed the following Committee:

Towe, Chairman
Manley
Galt

Motion was made by Senator Lynch that Rule 6-34 of the Joint Rules of the Forty-fourth Legislature be temporarily suspended in order to further extend the transmittal day for amendments from the 57th Legislative Day, March 15, 1975, to the 63rd Legislative Day, March 22, 1975.

Motion was made by Senator Cetrone that House Bill No. 268 be placed on Second Reading. Motion carried.

The Senate will please take note that the President will, at the hour of 1:30 p.m., March 8, 1975, sign the following bills: Senate Bill No. 19 and House Bills Nos. 67, 78, 167, 465.

W. GORDON McOMBER
President

Upon motion of Senator Lynch, duly carried, the Senate adjourned at 1:30 p.m., until Monday, March 10, 1975, at the hour of 1:30 p.m.

W. GORDON McOMBER
President of the Senate

JOHN N. HANSON
Secretary of the Senate

JOINT SENATE AND HOUSE MEMORIAL SERVICES

Helena, Montana
March 8, 1975

Senator W. Gordon McOmber, President of the Senate, called the Joint Session of the House and Senate to order at 3:00 p.m., Saturday, March 8, 1975.

Senator Lynch moved that the Joint Session convene for the purpose of a Joint Memorial Service honoring deceased Representatives and Senators.

SPECIAL ORDERS OF THE DAY

President McOmber welcomed the Senators, Representatives and guests to the Joint Memorial Service.

The Prelude was by Ernie Neath.

Invocation by Father McCormick, Chaplain of the Senate.

Vera Gerke sang "Let Not Your Heart Be Troubled", accompanied by Ernie Neath.

Moment of silence by Father McCormick.

The Starlighters from Helena Senior High School sang "Crucifixus".

The following memorials, prepared by the Select Committees appointed by the President, were presented by the Chaplain.

A JOINT LEGISLATIVE MEMORIAL ON THE DEATH OF THE LATE OSCAR P. BALGORD

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-fourth Legislative Assembly of the State of Montana record the passing of former Senator Oscar P. Balgord, on October 30, 1974, near Lavina, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Balgord be filed on the official records of this assembly and the following facts relative to his career are hereby noted:

Senator Balgord, a Republican, served in the Montana State Senate